

**Remarks/Arguments**

Upon entry of the accompanying amendments, claims 21-40 will be pending in this application. Claims 1-20 are rejected in the Office Action of July 2, 2008. Claims 1-20 are cancelled herein, and claims 21-40 are newly added herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

**Re: Rejection of Claims 1 and 4-8**

Claims 1 and 4-8 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0194599 by Mountain et al. (hereinafter, "Mountain"). This rejection is deemed moot in view of the cancellation of claims 1 and 4-8 herein.

**Re: Rejection of Claims 2, 3 and 9-20**

Claims 2, 3 and 9-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view of U.S. Patent No. 6,763,522 issued to Kondo et al. (hereinafter, "Kondo"). This rejection is deemed moot in view of the cancellation of claims 2, 3 and 9-20 herein.

**Re: Newly Added Claims 21-40**

Claims 21- 40 are newly added herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention, and to clearly distinguish the claimed invention over prior art including Mountain and Kondo. For example, newly added independent claim 21 recites:

"A method for operating a television apparatus, the method comprising steps of:  
    tuning a channel;  
    receiving updated program information from a broadcaster while said channel is tuned;  
    determining if a banner is currently displayed in response to receiving said updated program information;  
    enabling display of said banner using said updated program information in response to determining that said banner is not currently displayed; and

updating said banner using said updated program information in response to determining that said banner is currently displayed."

Newly added independent claims 28 and 35 recite subject matter similar to claim 21 above, but are written in "television apparatus" format, as opposed to "method" format. Support for these newly added independent claims may be found, for example, in the descriptions corresponding to FIGS. 6-7 of Applicants' specification.

Neither Mountain nor Kondo, whether taken individually or in combination, teaches or suggests each of the elements of newly added independent claims 21, 28 and 35. The primary reference, Mountain, discloses a television system that displays program information for upcoming programs on user preferred channels. However, Mountain fails to teach or suggest, *inter alia*, steps of "receiving updated program information from a broadcaster while said channel is tuned; determining if a banner is currently displayed in response to receiving said updated program information; enabling display of said banner using said updated program information in response to determining that said banner is not currently displayed; and updating said banner using said updated program information in response to determining that said banner is currently displayed" as recited for example by newly added claim 21. Secondary reference Kondo discloses a system and method for providing a digital television electronic program guide, but fails to remedy each of the deficiencies of Mountain. Accordingly, Applicants submit that newly added claims 21-40 are patentable over Mountain and Kondo, and allowance of these claims is respectfully requested.

### **Conclusion**

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Customer No. 24498  
Serial No. 10/577,267

**PATENT**  
PU030298

Respectfully submitted,  
Bret David Hawkins, et al.

/Reitseng Lin/  
By: Reitseng Lin  
Reg. No. 42,804  
Phone (609) 734-6813

Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, New Jersey 08540  
September 30, 2008